

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED - CLERK
U.S. DISTRICT COURT
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TX EASTERN LUFKIN
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UNITED STATES, *ex rel.*
M. GLENN OSTERHOUDT, III,

Plaintiffs,

v.

AMERADA HESS CORP. *et al.*

Defendants.

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C.A. No. 9:98CV101

JUDGE JOHN H. HANNAH, JR.

UNDER SEAL

SEALED

THE UNITED STATES' NOTICE OF ELECTION TO INTERVENE

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4), the United States hereby notifies the Court that (1) the United States elects to intervene and proceed with this action as to Mobil Exploration and Production, USA, Inc., Burlington Resources Oil & Gas, Inc., and Shell Offshore, Inc.; (2) the United States declines to intervene as to Texaco Exploration and Production, Inc.; and (3) the United States has not yet made a determination whether to intervene in this action as to Amoco Production Company, Chevron USA, Inc., Enron Oil and Gas Co., and Exxon Co. USA, Inc., and will continue to investigate those defendants.¹ The United States will file its own complaint

¹ In the caption of his First Amended Complaint For Damages And Other Relief Under The Federal False Claims Act, in addition to the specifically named defendants the Relator also names "Their Respective ... Subsidiaries And Affiliates" as defendants, without any further identification. To the extent that these "Subsidiaries And Affiliates" are deemed to be proper defendants to this action, this Notice applies to them as well. Accordingly, the United States' intervention would apply to the subsidiaries and affiliates of Mobil Exploration and Production, USA, Inc., Burlington Resources Oil & Gas, Inc., and Shell Offshore, Inc.; the United States' declination would apply to the subsidiaries and affiliates of Texaco Exploration and Production, Inc.; and the United States' notice of no intervention decision would apply to the subsidiaries and affiliates of Amoco Production Company, Chevron USA, Inc., Enron Oil and Gas Co., and Exxon Co. USA, Inc.

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UNSEALED

within sixty days as to those defendants with respect to which it is intervening.²

Regarding the defendants with respect to which the United States is either declining to intervene or is making no intervention decision at this time, the government respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain an action against these defendants in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendants propose that the action against those defendants be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in the action against those defendants be served upon the United States. The United States reserves its right to order any deposition transcripts and to intervene in the action against those defendants, for good cause, at a later date.

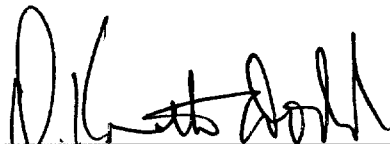
The United States requests that the First Amended Complaint For Damages And Other Relief Under The Federal False Claims Act filed by the relator and this Notice be unsealed and served on the defendants. The United States further requests that all other contents of the Court's file in this matter, including complaints, applications filed by the United States for extensions of the sixty-day seal period, as well as any supporting memoranda and declarations, remain under seal and not be served on the defendants or otherwise made public. An order so providing is attached for the Court's convenience.

² By filing this Notice the United States expresses no opinion as to whether the relator's action is proper under the False Claims Act and the United States expressly reserves the right to assert that the action is not proper.

Respectfully submitted,

DAVID W. OGDEN
Acting Assistant Attorney General

MIKE BRADFORD
United States Attorney

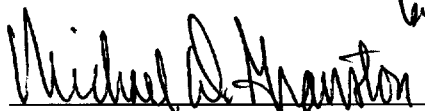


O. KENNETH DODD (Tex. Bar # 05931685)
Assistant United States Attorney
350 Magnolia Avenue, Suite 150
Beaumont, Texas 77701
Phone: (409) 839-2538
Fax: (409) 839-2643

Attorney in Charge

MICHAEL F. HERTZ
ALAN E. KLEINBURD

*by O. Dodd
by permission*



MICHAEL D. GRANSTON
Attorney in Charge

SADHNA G. TRUE
GREGORY PEARSON
SUSAN C. LYNCH
SARA MCLEAN
Attorneys, Civil Division
United States Department of Justice
P.O. Box 261
Ben Franklin Station
Washington, D.C. 20044
Phone: (202) 305-0632
Fax: (202) 616-3085

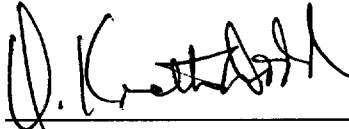
**ATTORNEYS FOR THE UNITED STATES
OF AMERICA**

Dated: March 28, 2000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **United States' Notice of Election to Intervene** and proposed Order were served via first-class mail, postage prepaid, on this 28th day of March, 2000, on:

M. Glenn Osterhoudt, III
805 East Third Street
Weatherford, TX 76086

A handwritten signature in black ink, appearing to read "O. Kenneth Dodd", written over a horizontal line.

O. KENNETH DODD (Tex. Bar # 05931685)
Assistant United States Attorney